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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,894	04/27/2000	Robert Joseph Statz	AD6731-US-NA	1574

23906 7590 04/17/2002

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WILMINGTON, DE 19805

EXAMINER

BUTTNER, DAVID J

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 04/17/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

MF-6

Office Action Summary

Application No.

09/558,894

Applicant(s)

STATZ

Examiner

BUTTNER

Art Unit

1712



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 12, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 20) <input type="checkbox"/> Other: |

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Claims 1-5 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the Sullivan '855 Patent.

Sullivan discloses ionomer golf ball covers. The ionomers are based on E/acrylate/acid terpolymer with up to 100% neutralization (col. 2 line 36, table 4). Metal stearates can be included (col. 5, line 20).

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Sullivan '855 Patent in view of Sullivan '760.

Sullivan '855 suggests metal stearate additives but does not name $C_6 - C_{12}$ salts. However, Sullivan does direct the reader (col. 5, line 19) to US 5306760 for other softening agents. That reference names salts of lauric acid (col. 6, line 35) as an alternative to metal stearates.

It would have been obvious to add a metal laurate to Sullivan's 855's 100% neutralized ionomer.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Sullivan '855 Patent in view of Bush '578 or Rees '134.

Sullivan produces his ionomer/metal stearate blend by combining pre-neutralized ionomer and pre-neutralized stearic acid rather than post neutralizing a ethylene/acid + stearic acid blend.

Such a technique is known as shown by Rees (example 64) and Bush (example 1; table 1). The same final product would result whether preneutralized or post neutralized. It would have been obvious to prepare Sullivan's composition with a post neutralization.

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Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

There does not appear to be any reason in the prior art to use more cation than necessary for 100% neutralization.

Applicant's arguments filed on 2/12/02 have been fully considered but they are not persuasive.

Applicant argues Sullivan lacks monofunctional acid with less than 36 carbons, stearic acid is a monofunctional acid with 18 carbons. Clearly metal stearates qualify as applicant's neutralized (a) material.

Applicant argues Sullivan does not teach greater than 90% neutralization.

The examiner has previously pointed out that the reference states 10-100% neutralization of the polymer (col. 2, line 36). Sullivan actually exemplifies 100% neutralization in table 4. If a metal stearate (which necessarily is 100% neutralized) is added to a 100% neutralized polymer, then the entire blend is 100% neutralized.

Arguments that Sullivan does not recognize highly neutralized polymer is processable is refuted by Sullivan's table 4. These 100% neutralized polymers were processed into golf balls.

Applicant argues metal stearates are only one of many possible additives mentioned by Sullivan.

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The species of metal stearate is named. It must be considered anticipated to add metal stearate to the ionomer no matter how many other species are named in the reference (MPEP 2131.02).

Arguments that Sullivan would not want a softening agent such as a metal stearate in his golf ball cover defies the plain language of reference calling for its inclusion.

Sullivan '760 teaches these fatty acid salts can improve coefficient of restitution (abstract) and are known to facilitate the flow of ionomers (col. 4, line 28). This improved flow is the essence of applicant's invention. These are further reasons to choose the metal stearate additive from Sullivan '855's list of additives.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is (703) 308-2403. The examiner can normally be reached on Monday to Friday from 10 AM to 5 PM.

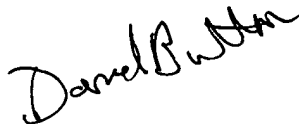
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson, can be reached on (703) 308-2340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Buttner/LR

DAVID J. BUTTNER
PRIMARY EXAMINER

April 15, 2002

A handwritten signature in black ink, appearing to read "David Buttner", is written over the printed name and title.